

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CASTRO & CO., LLC, *et al.*,

Plaintiff,

v.

MOODYS GARTNER TAX LAW LLP,  
*et al.*,

Defendant.

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Civil Action No. 3:18-cv-00573-N

**JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN**

Plaintiff Castro & Co., LLC, *et al.* (hereinafter “Castro & Co.” or “Plaintiffs”) and Defendants Moodys Gartner Tax Law, LLP, *et al.* (hereinafter “Moodys Gartner” or “Defendants”) (collectively the “Parties”) submit the following, pursuant to the Court’s November 27, 2018 Order directing the Parties to confer and provide a joint report and plan on case scheduling matters. Such meeting and discussion to occur on or before December 18, 2018, with this submission due on or before January 8, 2019. By agreement of the parties, and pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff submits the following:

**I. Rule 26(f) Conference.** Pursuant to the Court’s November 27, 2018 Order and pursuant to rule 26(f) of the Federal Rules of Civil Procedure, Joshua S. Milam and Kathryn Magan, counsel for Plaintiffs, and Laura Sandman, counsel for Defendants, conferred for the purpose of discussing the enumerated issue laid out in the order of the Court, to the extent the parties were able to address such issues.

**II. Statement of the Nature of the Case.**

**a. Plaintiffs’ Position.** Plaintiffs are a law firm specializing in International Taxation.

This includes advising clients on matters such as U.S. taxation of foreign assets; U.S.

tax treatment of individuals in the U.S. on a temporary, semi-permanent, or permanent basis; application of the U.S. Exit Tax on individuals seeking to renounce citizenship; and other tax related matters. Plaintiffs' and Defendants' *potential* client base occasionally overlap. Several years ago, it came to Plaintiffs' attention that Defendants (or representatives of Defendants) were disseminating disparaging information about Plaintiffs. Plaintiffs largely ignored the reports despite the fact that many statements were more personal than professional attacks. Plaintiffs instead focused on building their law firm. Over the years, reports would trickle in that upon mention of Plaintiffs' name at an event Defendants were speaking, Defendants would make disparaging remarks about Plaintiffs. Plaintiffs continued to ignore the remarks and build their legal practice. However, late in 2017 and early in 2018 it came to Plaintiffs' attention that Defendants were directly emailing disseminating and disparaging remarks to some of Plaintiffs' clients with whom Plaintiffs had current and continuing relationships with. It was at this time that Plaintiffs determined there has been an injury to Plaintiffs' name caused by the actions of Defendants, which has initiated this lawsuit.

- b. Defendant's Position.** Defendants deny Plaintiffs' material allegations outlined in its First Amended Complaint. Specifically, Defendants deny that they or any of their representatives disseminated disparaging information about Plaintiffs, made disparaging remarks about Plaintiffs, or disseminated disparaging remarks to Plaintiffs' clients. Defendants further state that, as set forth in their Motion to Dismiss Plaintiff's First Amended Complaint [Dkt. 14] currently pending before this Court, this Court lacks jurisdiction over each of the Defendants, venue is not proper in the Northern District of Texas, Plaintiffs lack standing to assert their present claims, and Plaintiffs have failed to state a claim upon which relief can be granted.

- III. Status of Settlement Discussions.** Plaintiffs have extended a settlement offer that Plaintiffs are hopeful will be acceptable to Defendants. Defendants' legal counsel are reviewing the settlement offer with Defendants.
- IV. Possible Joinder of Additional Parties.** The Parties do not currently anticipate any joinder of additional parties. All known relevant parties are already named in the lawsuit at this time.
- V. Anticipated Challenges to Jurisdiction or Venue.** Defendants have raised such challenges already in their Motion to Dismiss Plaintiff's First Amended Complaint [Dkt. 14] pending before the Court.
- VI. Date for Trial and Estimated Length of Trial.** The Parties anticipate if the case continues to trial that the Parties should be ready for trial in October of 2019. The Parties anticipate no more than 3 days being necessary for trial.
- VII. The Desirability of ADR and Timing for ADR.** The Parties are in agreement, if the current settlement negotiations are unsuccessful, ADR should be conducted in April or May 2019.
- VIII. Any Objections to Rule 26(a)(1) Disclosure.** The Parties have no objections to any of the Rule 26(a)(1) disclosure requirements.

Respectfully submitted,

Dated: January 2, 2019

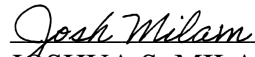
  
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

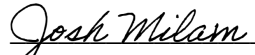
I hereby certify that on December 12, 2018, I conferred with Defendant's Counsel and the Parties are in agreement as to the substance and content contained in this report.

  
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JOSHUA S. MILAM  
KATHRYN N. MAGAN

**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2018, I filed the foregoing Joint Status Report and Proposed Discovery Control Plan with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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